

Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

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*Comment Date:* 5 p.m. Eastern Time on March 20, 2009.

**Nathaniel J. Davis, Sr.,**  
*Deputy Secretary.*

[FR Doc. E9-6080 Filed 3-19-09; 8:45 am]

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**Guidance Notice Clarifying Procedures for Submitting Non-Public Materials**

March 12, 2009.

Take notice that the Commission is hereby clarifying and explaining the importance of the procedures for submitting Non-Public material to the Commission via paper, (DVD/CD), or electronic filing. The procedures are designed to ensure that Non-Public information is properly designated, identified, and processed in order to minimize the risk of Public disclosure of sensitive information. Explained below are the categories of materials that are considered Non-Public and the applicable regulation that can be found in Title 18 of the Code of Federal Regulations.

Non-public materials include:

1. *Privileged Material:* Material for which Privileged Treatment is requested under 18 CFR 388.112 because of the confidential nature of the information.

2. *Critical Energy Infrastructure Information (CEII):* Maps, drawings, and other information for which CEII treatment is requested under 18 CFR 388.112 because the information may be sensitive to the security of the nation's hydroelectric and natural gas pipeline infrastructure.

3. *Protected Material:* Material filed under a Protective Order issued by an FERC Administrative Law Judge or the Commission, or material for which such treatment is requested along with a draft protective order. Protected material

must be filed under seal. The material is indexed in eLibrary; however, the actual Protected material is not added to eLibrary because of the requirement to sign a non-disclosure agreement for access.

Because of the instantaneous nature of the Commission eFiling system, it is essential that every document be processed into eLibrary with the correct security designation. The security process for submissions begins with the filer of non-public materials. It is critical that documents submitted to the Commission be properly identified and patently and conspicuously marked when such documents are non-public materials. This helps ensure that Commission staff identify and correctly process each category of non-public material into eLibrary, and do so accurately and efficiently.

In order to ensure that non-public material is processed into eLibrary correctly, the filer must observe the following procedures for paper filings information submitted via the Commission's electronic filing system and information included on DVD/CD(s).

**Paper Filings**

Paper filings containing non-public material must include a cover letter identifying the filer, all applicable docket or project numbers (unless it's a new application), a description of the filing, and a clear indication on the first page of the cover letter that the filing contains Public, Privileged, CEII, and/or Protected versions, as applicable.

Copies of a cover letter must be attached to each version, with the security designation in bold print in the top right portion of the first page. Use the applicable security designations "PUBLIC VERSION," "PRIVILEGED VERSION," or "CEII MATERIAL." The first page of the underlying material should also contain the same designation. Ensure that Protected Material is filed "under seal," with a copy of the cover letter attached to the sealed enclosure and "PROTECTED MATERIAL" in bold print in the upper right area of the cover letter.

Large filings should be collated according to security. Where multiple binders are involved, the cover letter should list and clearly identify the security of each volume.

Failure to comply with these guidelines may result in a document not being considered "filed" until issues pertaining to document security are resolved with the submitter.

**eFILING**

The Commission's electronic filing system accepts Public, Privileged and CEII material. Protected material may not be efiled at this time. Every electronic submission must have at least one Public file (which may be a redacted version of the filing, or only be a cover letter, depending on the nature of the content of the document).

The security of efiled documents must be clear to everyone involved in document preparation, submission, and processing of the filing. For example, the person submitting an efiled (*e.g.*, a paralegal) is often someone other than the document preparer (*e.g.*, an attorney) and could possibly be unaware of the security designation. Moreover, submissions may include files provided to the document preparer or submitter by other entities. All of these individuals should be aware of what security designation applies to the document that is being efiled. Persons preparing documents with non-public material are advised to organize files in folders by security level and/or with file names beginning with PUBLIC, PRIV, or CEII. This will help to ensure that when efiled the document submitter correctly uploads files under the appropriate security tab on the File Upload screen. Again, the designation of security begins with the filing party.

Failure to comply with these guidelines may result in a document not being considered "filed" until issues pertaining to document security are resolved with the submitter.

**DVD/CD Submissions**

The Commission receives numerous filings containing one or more DVDs or CDs. The Commission, in fact, allows a reduced number of paper copies of large filings to be submitted if the filer includes the entire filing on DVD/CD. In other cases, the information on DVD/CD supplements information in a paper filing, or contains only a portion of the material on paper.

Each paper submission that includes information on DVD/CD must include a cover letter describing the content and security status of each DVD/CD and indicating whether the electronic media contains the entire filing, part of the filing, or is a supplement containing information not submitted on paper.

The security for all files on each DVD/CD must be clear. For all filings, Public, Privileged, and CEII, files should be submitted on separate, clearly-labeled DVD/CDs (*i.e.*, should be labeled PUBLIC, PRIVILEGED, or CEII in bold). Protected material included on electronic media must always be on a

separately labeled DVD/CD and included with the paper material "under seal."

Failure to comply with these guidelines may result in a document not being considered "filed" until issues pertaining to document security are resolved with the submitter.

In addition to security concerns, persons submitting information on DVD/CD must observe the following restrictions:

1. The acceptable file formats for information on DVD/CD are included in the Submission Guidelines posted at: <http://www.ferc.gov/help/submission-guide/user-guide.pdf>.

2. The file size limit is 50 Mb per file. Submit maps in individual files if necessary to comply with this limit.

3. The file name, including the extension, cannot exceed 60 characters. It is important that such restrictions be strictly followed, as a failure to comply could prohibit the Commission's access to the contents of that submission. Accordingly, the Commission reserves the right to not accept such submissions.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. E9-6069 Filed 3-19-09; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL09-29-000; Docket No. EL09-30-000]

#### NorthWestern Corporation; Mountain States Transmission Intertie, LLC; NorthWestern Corporation; Post-Technical Conference Notice

March 13, 2009.

The Commission Staff convened an informal technical conference in the above-referenced proceedings on Thursday, March 12, 2009, at 1 p.m. (EDT), at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Notice of the technical conference was issued on February 25, 2009, and a supplemental notice of technical conference was issued on March 5, 2009.

Post-technical conference information and comments will be filed as follows. Petitioners<sup>1</sup> will make a filing on or before March 27, 2009 supplementing the Petitions for Declaratory Order in

the referenced proceedings addressing the topics and questions discussed at the conference. Thereafter, interested persons, regardless of whether they attended the technical conference, may file comments to respond to the Petitioners' supplemental filing on or before April 14, 2009.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. E9-6078 Filed 3-19-09; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP09-69-000]

#### Viking Gas Transmission Company; Notice of Request Under Blanket Authorization

March 12, 2009.

Take notice that on February 26, 2009, Viking Gas Transmission Company (Viking), 100 West 5th Street, Tulsa, Oklahoma 74103, filed a prior notice request pursuant to part 157 of the Commission's regulations under the Natural Gas Act (NGA) and Viking's blanket certificate issued in Docket No. CP82-414, for authorization to construct, own, and operate an expansion to an existing lateral terminating at the Fargo, North Dakota city gate (Fargo Lateral) and to abandon the existing Fargo Lateral pipeline facilities that are to be replaced, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Specifically, Viking proposes to expand its Fargo Lateral pipeline facilities by constructing and operating, in two segments, approximately 9.98 miles of a 12-inch diameter natural gas pipeline to replace 9.98 miles of 8-inch diameter natural gas pipeline to be abandoned in place, all in Clay County, Minnesota and Cass County, North Dakota. Viking states that, when fully operational, the new pipeline facilities will be capable of transporting up to 91,000 dekatherms per day (Dth/d) of natural gas from the existing Viking mainline pipeline to the existing Fargo, Dilworth, and Moorhead interconnects.

Viking asserts that the existing Fargo Lateral facilities are capable of transporting only 53,332 Dth/d. Viking states that, as a part of the subject project, it proposes the abandonment in place of certain pipeline and auxiliary facilities on its Fargo Lateral, which include approximately 9.98 miles of 8-inch pipeline, as well as short segments of aboveground pipeline that connect directly to tie-in valves which are also to be replaced. Viking states that it has entered into a precedent agreement with Northern States Power Company, a Minnesota corporation (NSP-MN), which provides for a minimum firm transportation capacity of 37,688 Dth/d. Viking asserts that the estimated cost of the proposed project is \$14.6 million.

Any questions regarding the application should be directed to Brenda Storbeck, General Manager, Rates & Regulatory Affairs, ONEOK Partners GP, L.L.C., ONEOK Plaza, Tulsa, Oklahoma 74103, at (918) 588-7707.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. E9-6065 Filed 3-19-09; 8:45 am]

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<sup>1</sup> Petitioners are NorthWestern Corporation, and Mountain States Transmission Intertie, LLC.